REMARKS

The Office Action mailed July 26, 2005, has been reviewed and carefully considered. Claims 1, 9-11, 13, 19-21, 25, 31-33, 37 and 39-40 have been amended and Claims 41-42 have been canceled. Claims 1-40 are pending in the application.

In paragraph 3 on page 2 of the Office Action, claims 1-9, 12-21, 24-33 and 36-40 were rejected under 35 U.S.C. § 102(e) as being anticipated by Zahavi. In paragraph 5 on page 10 of the Office Action, claims 10-11, 22-23, 34-35 and 41-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zahavi in view of Lee et al.

Zahavi discloses a system for using a dataset on which IO activity is performed that includes a computer having program logic configured for analyzing IO activity performed on a dataset to determine a correlation between at least two data volumes. The system of Zahavi uses the correlation to perform a storage management function that may be selected to be modeling and may be selected to be configuring a data storage environment including one or more storage systems. However, as admitted in the Office Action, Zahavi needs the user or administrator to provide workload characterization through a user interface. Moreover, the correlation is between pairs of storage devices.

In contrast, independent claims 1, 13, 25, 37, 39 and 40, as amended, require at least the processor to determine workload requirements of the user making the request. In addition, independent claims 1, 13, 25, 37, 39 and 40, as amended, require at least the processor to analyze system parameters including performance characteristics of storage volumes within the network and provide storage to meet the workload requirements of the user determined by the processor and to meet competing workload requirements based on the analysis of the system parameters. Zahavi does not suggest that a processor analyze system parameters and provide storage to meet

the workload requirements of the user determined by the processor and to meet competing workload requirements based on the analysis of the system parameters.

Accordingly, independent claims 1, 13, 25, 37, 39 and 40, as amended, are patentable over Zahavi.

Lee et al. fail to overcome the deficiencies of Zahavi. Lee et al. is merely cited as teaching virtualization of data within a virtual disk across managed storage device. However, Lee et al. fail to disclose, teach or suggest a processor determining workload requirements of the user making the request. Lee et al. also fail to disclose, teach or suggest a processor that analyzes system parameters and provides storage to meet the workload requirements of the user determined by the processor and to meet competing workload requirements based on the analysis of the system parameters.

Accordingly, independent claims 1, 13, 25, 37, 39 and 40, as amended, are patentable over Zahavi. and Lee et al.

Dependent claims 2-12, 14-24, 26-36 and 38 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 1, 13, 25 and 37 respectively. Further dependent claims 2--12, 14-24, 26-36 and 38 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 2--12, 14-24, 26-36 and 38 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 423-757-0264.

Respectfully submitted,

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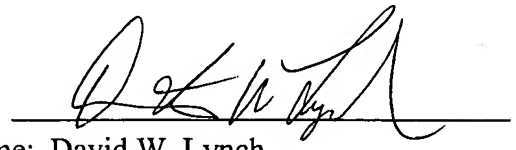
By: 
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